

AMENDED IN ASSEMBLY APRIL 24, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3045

Introduced by Assembly Member Koretz
(Coauthors: Assembly Members Leno and Spitzer)

February 24, 2006

An act to amend Sections ~~13352, 13352.4,~~ 13386, 14601.2, 14601.4, and 14601.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3045, as amended, Koretz. Vehicles: license suspension: license revocation: ignition interlock device.

~~(1) Existing law requires the Department of Motor Vehicles to immediately suspend or revoke the privilege of a person to operate a motor vehicle upon receipt of an abstract of the record of a court showing that the person has been convicted of specified provisions prohibiting driving under the influence (DUI). If the person has been convicted of a first offense, without causing bodily injury to another person, existing law prohibits the reinstatement of that privilege for a period of 6 months and until the person complies with certain conditions.~~

~~This bill would increase the period of a driver's license suspension, from 6 months to one year, for a person convicted of a first DUI offense, without causing bodily injury to another person, if that person's blood alcohol concentration was 0.20% or more, by weight, at the time of the arrest.~~

~~(2) Existing law requires the department to a issue restricted driver's license, as defined, to a person convicted of a first DUI offense, without causing bodily injury to another person, if specified requirements are met.~~

~~This bill would require that a person convicted of a first DUI offense, without causing bodily injury to another, whose blood alcohol concentration was 0.20% or more, by weight, at the time of the arrest, to meet additional specified requirements for the issuance of a restricted license of not less than a term of 1 year.~~

~~(3)~~

~~(1) Existing law requires the Department of Motor Vehicles to certify or cause to be certified ignition interlock devices, for use as specified. Existing law makes it a crime to violate any provision of the Vehicle Code.~~

~~This bill, which may be known, and cited, as, "Adam's Law," would require the department to require that each certified ignition interlock device operate in the manner for which it was certified, and that the manufacturer ensure that the functionality of the device cannot be changed or altered from the certified criteria, by a service center or technician.~~

~~Because this bill would create a new crime, this bill would impose a state-mandated local program.~~

~~(4)~~

~~(2) Existing law prohibits a person from driving a vehicle when his or her driver's license has been suspended or revoked for violating specified provisions relating to DUI. Existing law requires a court to require a person convicted of specified offenses to install a certified ignition interlock device on a vehicle that the person owns or operates.~~

~~This bill would prohibit the department from reinstating the privilege to operate a motor vehicle until the department receives specified proof that the certified ignition interlock device has been installed as ordered.~~

~~(5)~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. This act shall be known, and may be cited, as,~~
2 ~~“Adam’s Law.”~~

3 ~~SECTION 1. Section 13352 of the Vehicle Code is amended~~
4 ~~to read:~~

5 ~~13352. (a) The department shall immediately suspend or~~
6 ~~revoke the privilege of a person to operate a motor vehicle upon~~
7 ~~the receipt of an abstract of the record of a court showing that the~~
8 ~~person has been convicted of a violation of Section 23152 or~~
9 ~~23153 or subdivision (a) of Section 23109, or upon the receipt of~~
10 ~~a report of a judge of the juvenile court, a juvenile traffic hearing~~
11 ~~officer, or a referee of a juvenile court showing that the person~~
12 ~~has been found to have committed a violation of Section 23152~~
13 ~~or 23153 or subdivision (a) of Section 23109. If an offense~~
14 ~~specified in this section occurs in a vehicle defined in Section~~
15 ~~15210, the suspension or revocation specified below shall apply~~
16 ~~to the noncommercial driving privilege. The commercial driving~~
17 ~~privilege shall be disqualified as specified in Sections 15300 to~~
18 ~~15302, inclusive. For the purposes of this section, suspension or~~
19 ~~revocation shall be as follows:~~

20 ~~(1) (A) Except as required under Section 13352.4 and~~
21 ~~subparagraph (B), upon a conviction or finding of a violation of~~
22 ~~Section 23152 punishable under Section 23536, the privilege~~
23 ~~shall be suspended for a period of six months.~~

24 ~~(B) Except as required under Section 13352.4, upon a~~
25 ~~conviction or finding of a violation of Section 23152 punishable~~
26 ~~under Section 23536, if that the person’s blood alcohol~~
27 ~~concentration was 0.20 percent or more, by weight, at the time of~~
28 ~~the arrest, the privilege shall be suspended for a period of one~~
29 ~~year.~~

30 ~~(C) The privilege, as described in Subparagraphs (A) and (B),~~
31 ~~may not be reinstated until the person gives proof of financial~~
32 ~~responsibility and gives proof satisfactory to the department of~~
33 ~~successful completion of a driving-under-the-influence program~~
34 ~~licensed pursuant to Section 11836 of the Health and Safety~~
35 ~~Code described in subdivision (b) of Section 23538. If the court,~~

1 as authorized under paragraph (3) of subdivision (b) of Section
2 23646, elects to order a person to enroll, participate and complete
3 either program described in paragraph (4) of subdivision (b) of
4 Section 23542, the department shall require that program in lieu
5 of the program described in subdivision (b) of Section 23538. For
6 the purposes of this paragraph, enrollment, participation, and
7 completion of an approved program shall be subsequent to the
8 date of the current violation. Credit may not be given to any
9 program activities completed prior to the date of the current
10 violation.

11 (2) Upon a conviction or finding of a violation of Section
12 23153 punishable under Section 23554, the privilege shall be
13 suspended for a period of one year. The privilege may not be
14 reinstated until the person gives proof of financial responsibility
15 and gives proof satisfactory to the department of successful
16 completion of a driving-under-the-influence program licensed
17 pursuant to Section 11836 of the Health and Safety Code as
18 described in subdivision (b) Section 23556. If the court, as
19 authorized under paragraph (3) of subdivision (b) of Section
20 23646, elects to order a person to enroll, participate, and
21 complete either program described in paragraph (4) of
22 subdivision (b) of Section 23542, the department shall require
23 that program in lieu of the program described in Section 23556.
24 For the purposes of this paragraph, enrollment, participation, and
25 completion of an approved program shall be subsequent to the
26 date of the current violation. Credit may not be given to any
27 program activities completed prior to the date of the current
28 violation.

29 (3) Except as provided in Section 13352.5, upon a conviction
30 or finding of a violation of Section 23152 punishable under
31 Section 23540, the privilege shall be suspended for two years.
32 The privilege may not be reinstated until the person gives proof
33 of financial responsibility and gives proof satisfactory to the
34 department of successful completion of a
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code as described in subdivision
37 (b) of Section 23542. For the purposes of this paragraph,
38 enrollment, participation, and completion of an approved
39 program shall be subsequent to the date of the current violation.
40 Credit shall not be given to any program activities completed

1 prior to the date of the current violation. The department shall
2 advise the person that after completion of 12 months of the
3 suspension period, which may include credit for a suspension
4 period served under subdivision (c) of Section 13353.3, the
5 person may apply to the department for a restricted driver's
6 license, subject to the following conditions:

7 (A) The person has satisfactorily provided, subsequent to the
8 violation date of the current underlying conviction, either of the
9 following:

10 (i) Proof of enrollment in an 18-month
11 driving-under-the-influence program licensed pursuant to Section
12 11836 of the Health and Safety Code.

13 (ii) Proof of enrollment in a 30-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code, if available in the county
16 of the person's residence or employment.

17 (B) The person agrees, as a condition of the restriction, to
18 continue satisfactory participation in the program described in
19 subparagraph (A).

20 (C) The person submits the "Verification of Installation" form
21 described in paragraph (2) of subdivision (f) of Section 13386.

22 (D) The person agrees to maintain the ignition interlock device
23 as required under subdivision (g) of Section 23575.

24 (E) The person provides proof of financial responsibility, as
25 defined in Section 16430.

26 (F) The person pays all administrative fees or reissue fees and
27 any restriction fee required by the department.

28 (G) The restriction shall remain in effect for the period
29 required in subdivision (f) of Section 23575.

30 (4) Except as provided in this paragraph, upon a conviction or
31 finding of a violation of Section 23153 punishable under Section
32 23560, the privilege shall be revoked for a period of three years.
33 The privilege may not be reinstated until the person gives proof
34 of financial responsibility, and the person gives proof satisfactory
35 to the department of successful completion of a
36 driving-under-the-influence program licensed pursuant to Section
37 11836 of the Health and Safety Code, as described in subdivision
38 (b) of Section 23562. For the purposes of this paragraph,
39 enrollment, participation, and completion of an approved
40 program shall be subsequent to the date of the current violation.

~~Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after the completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver's license, subject to the following conditions:~~

~~(A) The person has satisfactorily completed, subsequent to the violation date of the current underlying conviction, either of the following:~~

~~(i) The initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code.~~

~~(ii) The initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment, and the person agrees, as a condition of the restriction, to continue satisfactory participation in that 30-month program.~~

~~(B) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (f) of Section 13386.~~

~~(C) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.~~

~~(D) The person provides proof of financial responsibility, as defined in Section 16430.~~

~~(E) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the department.~~

~~(F) The restriction shall remain in effect for the period required in subdivision (f) of Section 23575.~~

~~(5) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23152 punishable under Section 23546, the privilege shall be revoked for a period of three years. The privilege may not be reinstated until the person files proof of financial responsibility and gives proof satisfactory to the department of successful completion of one of the following programs: an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) or (c) of Section 23548, or, if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program~~

1 licensed pursuant to Section 11836 of the Health and Safety
2 Code, or a program specified in Section 8001 of the Penal Code.
3 For the purposes of this paragraph, enrollment, participation, and
4 completion of an approved program shall be subsequent to the
5 date of the current violation. Credit shall not be given to any
6 program activities completed prior to the date of the current
7 violation. The department shall advise the person that after
8 completion of 12 months of the revocation period, which may
9 include credit for a suspension period served under subdivision
10 (e) of Section 13353.3, the person may apply to the department
11 for a restricted driver's license, subject to the following
12 conditions:

13 (A) The person has satisfactorily completed, subsequent to the
14 violation date of the current underlying conviction, either of the
15 following:

16 (i) The initial 12 months of an 18-month
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code.

19 (ii) The initial 12 months of a 30-month
20 driving-under-the-influence program licensed pursuant to Section
21 11836 of the Health and Safety Code, if available in the county
22 of the person's residence or employment, and the person agrees,
23 as a condition of the restriction, to continue satisfactory
24 participation in the 30-month driving-under-the-influence
25 program.

26 (B) The person submits the "Verification of Installation" form
27 described in paragraph (2) of subdivision (f) of Section 13386.

28 (C) The person agrees to maintain the ignition interlock device
29 as required under subdivision (g) of Section 23575.

30 (D) The person provides proof of financial responsibility, as
31 defined in Section 16430.

32 (E) An individual convicted of a violation of Section 23152
33 punishable under Section 23546 may also, at any time after
34 sentencing, petition the court for referral to an 18-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, or, if available in the
37 county of the person's residence or employment, a 30-month
38 driving-under-the-influence program licensed pursuant to Section
39 11836 of the Health and Safety Code. Unless good cause is
40 shown, the court shall order the referral.

1 ~~(F) The person pays all applicable reinstatement or reissue~~
2 ~~fees and any restriction fee required by the department.~~

3 ~~(G) The restriction shall remain in effect for the period~~
4 ~~required in subdivision (f) of Section 23575.~~

5 ~~(6) Except as provided in this paragraph, upon a conviction or~~
6 ~~finding of a violation of Section 23153 punishable under Section~~
7 ~~23550.5 or 23566, the privilege shall be revoked for a period of~~
8 ~~five years. The privilege may not be reinstated until the person~~
9 ~~gives proof of financial responsibility and proof satisfactory to~~
10 ~~the department of successful completion of one of the following~~
11 ~~programs: an 18-month driving-under-the-influence program~~
12 ~~licensed pursuant to Section 11836 of the Health and Safety~~
13 ~~Code, as described in subdivision (b) of Section 23568 or, if~~
14 ~~available in the county of the person's residence or employment,~~
15 ~~a 30-month driving-under-the-influence program licensed~~
16 ~~pursuant to Section 11836 of the Health and Safety Code, or a~~
17 ~~program specified in Section 8001 of the Penal Code. For the~~
18 ~~purposes of this paragraph, enrollment, participation, and~~
19 ~~completion of an approved program shall be subsequent to the~~
20 ~~date of the current violation. Credit shall not be given to any~~
21 ~~program activities completed prior to the date of the current~~
22 ~~violation. The department shall advise the person that after the~~
23 ~~completion of 12 months of the revocation period, which may~~
24 ~~include credit for a suspension period served under subdivision~~
25 ~~(c) of Section 13353.3, the person may apply to the department~~
26 ~~for a restricted driver's license, subject to the following~~
27 ~~conditions:~~

28 ~~(A) The person has satisfactorily completed, subsequent to the~~
29 ~~violation date of the current underlying conviction, either of the~~
30 ~~following:~~

31 ~~(i) The initial 12 months of a 30-month~~
32 ~~driving-under-the-influence program licensed pursuant to Section~~
33 ~~11836 of the Health and Safety Code, if available in the county~~
34 ~~of the person's residence or employment, and the person agrees,~~
35 ~~as a condition of the restriction, to continue satisfactory~~
36 ~~participation in the 30-month driving-under-the-influence~~
37 ~~program.~~

38 ~~(ii) The initial 12 months of an 18-month~~
39 ~~driving-under-the-influence program licensed pursuant to Section~~

1 11836 of the Health and Safety Code, if a 30-month program is
2 unavailable in the person's county of residence or employment.

3 (B) The person submits the "Verification of Installation" form
4 described in paragraph (2) of subdivision (f) of Section 13386.

5 (C) The person agrees to maintain the ignition interlock device
6 as required under subdivision (g) of Section 23575.

7 (D) The person provides proof of financial responsibility, as
8 defined in Section 16430.

9 (E) An individual convicted of a violation of Section 23153
10 punishable under Section 23566 may also, at any time after
11 sentencing, petition the court for referral to an 18-month
12 driving-under-the-influence program or, if available in the county
13 of the person's residence or employment, a 30-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code. Unless good cause is
16 shown, the court shall order the referral.

17 (F) The person pays all applicable reinstatement or reissue
18 fees and any restriction fee required by the department.

19 (G) The restriction shall remain in effect for the period
20 required in subdivision (f) of Section 23575.

21 (7) Except as provided in this paragraph, upon a conviction or
22 finding of a violation of Section 23152 punishable under Section
23 23550 or 23550.5, or Section 23153 punishable under Section
24 23550.5 the privilege shall be revoked for a period of four years.
25 The privilege may not be reinstated until the person gives proof
26 of financial responsibility and proof satisfactory to the
27 department of successful completion of one of the following
28 programs: an 18-month driving-under-the-influence program
29 licensed pursuant to Section 11836 of the Health and Safety
30 Code, or, if available in the county of the person's residence or
31 employment, a 30-month driving-under-the-influence program
32 licensed pursuant to Section 11836 of the Health and Safety
33 Code, or a program specified in Section 8001 of the Penal Code.
34 For the purposes of this paragraph, enrollment, participation, and
35 completion of an approved program shall be subsequent to the
36 date of the current violation. Credit shall not be given to any
37 program activities completed prior to the date of the current
38 violation. The department shall advise the person that after the
39 completion of 12 months of the revocation period, which may
40 include credit for a suspension period served under subdivision

1 ~~(c) of Section 13353.3, the person may apply to the department~~
2 ~~for a restricted driver's license, subject to the following~~
3 ~~conditions:~~

4 ~~(A) The person has satisfactorily completed, subsequent to the~~
5 ~~violation date of the current underlying conviction, either of the~~
6 ~~following:~~

7 ~~(i) The initial 12 months of an 18-month~~
8 ~~driving-under-the-influence program licensed pursuant to Section~~
9 ~~11836 of the Health and Safety Code.~~

10 ~~(ii) The initial 12 months of a 30-month~~
11 ~~driving-under-the-influence program licensed pursuant to Section~~
12 ~~11836 of the Health and Safety Code, if available in the county~~
13 ~~of the person's residence or employment, and the person agrees,~~
14 ~~as a condition of the restriction, to continue satisfactory~~
15 ~~participation in the 30-month driving-under-the-influence~~
16 ~~program.~~

17 ~~(B) The person submits the "Verification of Installation" form~~
18 ~~described in paragraph (2) of subdivision (f) of Section 13386.~~

19 ~~(C) The person agrees to maintain the ignition interlock device~~
20 ~~as required under subdivision (g) of Section 23575.~~

21 ~~(D) The person provides proof of financial responsibility, as~~
22 ~~defined in Section 16430.~~

23 ~~(E) An individual convicted of a violation of Section 23152~~
24 ~~punishable under Section 23550 may also, at any time after~~
25 ~~sentencing, petition the court for referral to an 18-month~~
26 ~~driving-under-the-influence program or, if available in the county~~
27 ~~of the person's residence or employment, a 30-month~~
28 ~~driving-under-the-influence program licensed pursuant to Section~~
29 ~~11836 of the Health and Safety Code. Unless good cause is~~
30 ~~shown, the court shall order the referral.~~

31 ~~(F) The person pays all applicable reinstatement or reissue~~
32 ~~fees and any restriction fee required by the department.~~

33 ~~(G) The restriction shall remain in effect for the period~~
34 ~~required in subdivision (f) of Section 23575.~~

35 ~~(8) Upon a conviction or finding of a violation of subdivision~~
36 ~~(a) of Section 23109 that is punishable under subdivision (c) of~~
37 ~~that section, the privilege shall be suspended for a period of 90~~
38 ~~days to six months, if ordered by the court. The privilege may not~~
39 ~~be reinstated until the person gives proof of financial~~
40 ~~responsibility, as defined in Section 16430.~~

1 ~~(9) Upon a conviction or finding of a violation of subdivision~~
2 ~~(a) of Section 23109 that is punishable under subdivision (f) of~~
3 ~~that section, the privilege shall be suspended for a period of six~~
4 ~~months, if ordered by the court. The privilege may not be~~
5 ~~reinstated until the person gives proof of financial responsibility,~~
6 ~~as defined in Section 16430.~~

7 ~~(b) For the purpose of paragraphs (2) to (9), inclusive, of~~
8 ~~subdivision (a), the finding of the juvenile court judge, the~~
9 ~~juvenile hearing officer, or the referee of a juvenile court of a~~
10 ~~commission of a violation of Section 23152 or 23153 or~~
11 ~~subdivision (a) of Section 23109, as specified in subdivision (a)~~
12 ~~of this section, is a conviction.~~

13 ~~(c) A judge of a juvenile court, juvenile hearing officer, or~~
14 ~~referee of a juvenile court shall immediately report the findings~~
15 ~~specified in subdivision (a) to the department.~~

16 ~~(d) A conviction of an offense in a state, territory, or~~
17 ~~possession of the United States, the District of Columbia, the~~
18 ~~Commonwealth of Puerto Rico, or Canada that, if committed in~~
19 ~~this state, would be a violation of Section 23152, is a conviction~~
20 ~~of Section 23152 for the purposes of this section, and a~~
21 ~~conviction of an offense that, if committed in this state, would be~~
22 ~~a violation of Section 23153, is a conviction of Section 23153 for~~
23 ~~the purposes of this section. The department shall suspend or~~
24 ~~revoke the privilege to operate a motor vehicle pursuant to this~~
25 ~~section upon receiving notice of that conviction.~~

26 ~~(e) For the purposes of the restriction conditions specified in~~
27 ~~paragraphs (3) to (7), inclusive, of subdivision (a), the~~
28 ~~department shall terminate the restriction imposed pursuant to~~
29 ~~this section and shall suspend or revoke the person's driving~~
30 ~~privilege upon receipt of notification from the~~
31 ~~driving-under-the-influence program that the person has failed to~~
32 ~~comply with the program requirements. The person's driving~~
33 ~~privilege shall remain suspended or revoked for the remaining~~
34 ~~period of the original suspension or revocation imposed under~~
35 ~~this section and until all reinstatement requirements described in~~
36 ~~this section are met.~~

37 ~~(f) For the purposes of this section, completion of a program is~~
38 ~~the following:~~

39 ~~(1) Satisfactory completion of all program requirements~~
40 ~~approved pursuant to program licensure, as evidenced by a~~

1 certificate of completion issued, under penalty of perjury, by the
2 licensed program.

3 (2) ~~Certification, under penalty of perjury, by the director of a~~
4 ~~program specified in Section 8001 of the Penal Code, that the~~
5 ~~person has completed a program specified in Section 8001 of the~~
6 ~~Penal Code.~~

7 (g) ~~The holder of a commercial driver's license who was~~
8 ~~operating a commercial motor vehicle, as defined in Section~~
9 ~~15210, at the time of a violation that resulted in a suspension or~~
10 ~~revocation of the person's noncommercial driving privilege~~
11 ~~under this section is not eligible for the restricted driver's license~~
12 ~~authorized under paragraphs (3) to (7), inclusive, of subdivision~~
13 ~~(a).~~

14 SEC. 2. ~~Section 13352.4 of the Vehicle Code is amended to~~
15 ~~read:~~

16 13352.4. (a) ~~Except as provided in subdivision (h), the~~
17 ~~department shall issue a restricted driver's license to a person~~
18 ~~whose driver's license was suspended under paragraph (1) of~~
19 ~~subdivision (a) of Section 13352, if the person meets all of the~~
20 ~~following requirements:~~

21 (1) ~~Submits proof satisfactory to the department of enrollment~~
22 ~~in, or completion of, a driving-under-the-influence program~~
23 ~~licensed pursuant to Section 11836 of the Health and Safety~~
24 ~~Code, as described in subdivision (b) of Section 23538.~~

25 (2) ~~Submits proof of financial responsibility, as defined in~~
26 ~~Section 16430.~~

27 (3) ~~Pays all applicable reinstatement or reissue fees and any~~
28 ~~restriction fee required by the department.~~

29 (4) (A) ~~A person described in subparagraph (B) of paragraph~~
30 ~~(1) of subdivision (a) of Section 13352 shall also meet all of the~~
31 ~~following requirements:~~

32 (i) ~~Completion of 30 at least days of the suspension period~~
33 ~~before applying to the department for a restricted license.~~

34 (ii) ~~Agrees to install a certified ignition interlock device, as~~
35 ~~described in Section 13386.~~

36 (iii) ~~Submits to the department the "Verification of~~
37 ~~Installation" form described in paragraph (2) of subdivision (f) of~~
38 ~~Section 13386.~~

39 (iv) ~~Agrees to maintain the ignition interlock device as~~
40 ~~required under subdivision (g) of Section 23575.~~

1 ~~(B) The term of a restricted license issued to a person~~
2 ~~described under this paragraph shall be not less than one year.~~

3 ~~(b) The restriction of the driving privilege shall become~~
4 ~~effective when the department receives all of the documents and~~
5 ~~fees required under subdivision (a) and shall remain in effect~~
6 ~~until the final day of the original suspension imposed under~~
7 ~~paragraph (1) of subdivision (a) of Section 13352, or until the~~
8 ~~date all reinstatement requirements described in Section 13352~~
9 ~~have been met, whichever date is later, and may include credit~~
10 ~~for any suspension period served under subdivision (c) of Section~~
11 ~~13353.3.~~

12 ~~(c) The restriction of the driving privilege shall be limited to~~
13 ~~the hours necessary for driving to and from the person's place of~~
14 ~~employment, driving during the course of employment, and~~
15 ~~driving to and from activities required in the~~
16 ~~driving-under-the-influence program.~~

17 ~~(d) Whenever the driving privilege is restricted under this~~
18 ~~section, proof of financial responsibility, as defined in Section~~
19 ~~16430, shall be maintained for three years. If the person does not~~
20 ~~maintain that proof of financial responsibility at any time during~~
21 ~~the restriction, the driving privilege shall be suspended until the~~
22 ~~proof required under Section 16484 is received by the~~
23 ~~department.~~

24 ~~(e) For the purposes of this section, enrollment, participation,~~
25 ~~and completion of an approved program shall be subsequent to~~
26 ~~the date of the current violation. Credit may not be given to a~~
27 ~~program activity completed prior to the date of the current~~
28 ~~violation.~~

29 ~~(f) The department shall terminate the restriction issued under~~
30 ~~this section and shall suspend the privilege to operate a motor~~
31 ~~vehicle pursuant to paragraph (1) of subdivision (a) of Section~~
32 ~~13352 immediately upon receipt of notification from the~~
33 ~~driving-under-the-influence program that the person has failed to~~
34 ~~comply with the program requirements. The privilege shall~~
35 ~~remain suspended until the final day of the original suspension~~
36 ~~imposed under paragraph (1) of subdivision (a) of Section 13352,~~
37 ~~or until the date all reinstatement requirements described in~~
38 ~~Section 13352 have been met, whichever date is later.~~

39 ~~(g) The holder of a commercial driver's license who was~~
40 ~~operating a commercial motor vehicle, as defined in Section~~

~~15210, at the time of a violation that resulted in a suspension or revocation of the person's noncommercial driving privilege under paragraph (1) of subdivision (a) of Section 13352 is not eligible for the restricted driver's license authorized under this section.~~

~~(h) If, upon conviction, the court has made the determination, as authorized under subdivision (d) of Section 23536 or paragraph (3) of subdivision (a) of Section 23538, to disallow the issuance of a restricted driver's license, the department may not issue a restricted driver's license under this section.~~

~~SEC. 3.~~

~~SEC. 2.~~ Section 13386 of the Vehicle Code is amended to read:

13386. (a) (1) The Department of Motor Vehicles shall certify or cause to be certified ignition interlock devices required by Article 5 (commencing with Section 23575) of Chapter 2 of Division 11.5 and publish a list of approved devices.

(2) (A) The Department of Motor Vehicles shall ensure that ignition interlock devices that have been certified according to the requirements of this section continue to meet certification requirements. The department shall require that each ignition interlock device operate in the manner for which it was certified. The department may periodically require manufacturers to indicate in writing whether the devices continue to meet certification requirements.

(B) The department may use denial of certification, suspension or revocation of certification, or decertification of an ignition interlock device in another state as an indication that the certification requirements are not met, if either of the following apply:

(i) The denial of certification, suspension or revocation of certification, or decertification in another state constitutes a violation by the manufacturer of Article 2.55 (commencing with Section 125.00) of Chapter 1 of Division 1 of the Title 13 of the California Code of Regulations.

(ii) The denial of certification for an ignition interlock device in another state was due to a failure of an ignition interlock device to meet the standards adopted by the regulation set forth in clause (i), specifically Sections 1 and 2 of the model specification for breath alcohol ignition interlock devices, as

1 published by notice in the Federal Register, Vol. 57, No. 67,
2 Tuesday, April 7, 1992, on pages 11774 to 11787, inclusive.

3 (C) Failure to continue to meet certification requirements shall
4 result in suspension or revocation of certification of ignition
5 interlock devices.

6 (b) A manufacturer shall ensure that the functionality of the
7 device cannot be changed or altered from the certified criteria, by
8 a service center or technician.

9 (c) The department shall utilize information from an
10 independent laboratory to certify ignition interlock devices on or
11 off the premises of the manufacturer or manufacturer's agent, in
12 accordance with the guidelines. The cost of certification shall be
13 borne by the manufacturers of ignition interlock devices. If the
14 certification of a device is suspended or revoked, the
15 manufacturer of the device shall be responsible for, and shall
16 bear the cost of, the removal of the device and the replacement of
17 a certified device of the manufacturer or another manufacturer.

18 (d) No model of ignition interlock device shall be certified
19 unless it is based on alcohol-specific electrochemical fuel sensor
20 technology and it meets the accuracy requirements and
21 specifications provided in the guidelines adopted by the National
22 Highway Traffic Safety Administration.

23 (e) All manufacturers of ignition interlock devices that meet
24 the requirements of subdivision (c) and are certified in a manner
25 approved by the Department of Motor Vehicles, who intend to
26 market the devices in this state, first shall apply to the
27 Department of Motor Vehicles on forms provided by that
28 department. The application shall be accompanied by a fee in an
29 amount not to exceed the amount necessary to cover the costs
30 incurred by the department in carrying out this section.

31 (f) The department shall ensure that standard forms and
32 procedures are developed for documenting decisions and
33 compliance and communicating results to relevant agencies.
34 These forms shall include all of the following:

35 (1) An "Option to Install," to be sent by the Department of
36 Motor Vehicles to repeat offenders along with the mandatory
37 order of suspension or revocation. This shall include the
38 alternatives available for early license reinstatement with the
39 installation of an ignition interlock device and shall be
40 accompanied by a toll-free telephone number for each

1 manufacturer of a certified ignition interlock device. Information
2 regarding approved installation locations shall be provided to
3 drivers by manufacturers with ignition interlock devices that
4 have been certified in accordance with this section.

5 (2) A “Verification of Installation” to be returned to the
6 department by the reinstating offender upon application for
7 reinstatement. Copies shall be provided for the manufacturer or
8 the manufacturer’s agent.

9 (3) A “Notice of Noncompliance” and procedures to ensure
10 continued use of the ignition interlock device during the
11 restriction period and to ensure compliance with maintenance
12 requirements. The maintenance period shall be standardized at 60
13 days to maximize monitoring checks for equipment tampering.

14 (g) Every manufacturer and manufacturer’s agent certified by
15 the department to provide ignition interlock devices shall adopt
16 fee schedules that provide for the payment of the costs of the
17 device by applicants in amounts commensurate with the
18 applicant’s ability to pay.

19 ~~SEC. 4.~~

20 *SEC. 3.* Section 14601.2 of the Vehicle Code is amended to
21 read:

22 14601.2. (a) No person shall drive a motor vehicle at any
23 time when that person’s driving privilege is suspended or
24 revoked for a conviction of a violation of Section 23152 or 23153
25 if the person so driving has knowledge of the suspension or
26 revocation.

27 (b) Except in full compliance with the restriction, no person
28 shall drive a motor vehicle at any time when that person’s driving
29 privilege is restricted, if the person so driving has knowledge of
30 the restriction.

31 (c) Knowledge of suspension or revocation of the driving
32 privilege shall be conclusively presumed if mailed notice has
33 been given by the department to the person pursuant to Section
34 13106. Knowledge of restriction of the driving privilege shall be
35 presumed if notice has been given by the court to the person. The
36 presumption established by this subdivision is a presumption
37 affecting the burden of proof.

38 (d) A person convicted of a violation of this section shall be
39 punished as follows:

1 (1) Upon a first conviction, by imprisonment in the county jail
2 for not less than 10 days or more than six months and by a fine of
3 not less than three hundred dollars (\$300) or more than one
4 thousand dollars (\$1,000), unless the person has been designated
5 an habitual traffic offender under subdivision (b) of Section
6 23546, subdivision (b) of Section 23550, or subdivision (d) of
7 Section 23550.5, in which case the person, in addition, shall be
8 sentenced as provided in paragraph (3) of subdivision (e) of
9 Section 14601.3.

10 (2) If the offense occurred within five years of a prior offense
11 that resulted in a conviction of a violation of this section or
12 Section 14601, 14601.1, or 14601.5, by imprisonment in the
13 county jail for not less than 30 days or more than one year and by
14 a fine of not less than five hundred dollars (\$500) or more than
15 two thousand dollars (\$2,000), unless the person has been
16 designated an habitual traffic offender under subdivision (b) of
17 Section 23546, subdivision (b) of Section 23550, or subdivision
18 (d) of Section 23550.5, in which case the person, in addition,
19 shall be sentenced as provided in paragraph (3) of subdivision (e)
20 of Section 14601.3.

21 (e) If a person is convicted of a first offense under this section
22 and is granted probation, the court shall impose as a condition of
23 probation that the person be confined in the county jail for at
24 least 10 days.

25 (f) If the offense occurred within five years of a prior offense
26 that resulted in a conviction of a violation of this section or
27 Section 14601, 14601.1, or 14601.5 and is granted probation, the
28 court shall impose as a condition of probation that the person be
29 confined in the county jail for at least 30 days.

30 (g) If a person is convicted of a second or subsequent offense
31 that results in a conviction of this section within seven years, but
32 over five years, of a prior offense that resulted in a conviction of
33 a violation of this section or Section 14601, 14601.1, or 14601.5
34 and is granted probation, the court shall impose as a condition of
35 probation that the person be confined in the county jail for at
36 least 10 days.

37 (h) Pursuant to Section 23575, the court shall require a person
38 convicted of a violation of this section to install a certified
39 ignition interlock device on a vehicle the person owns or
40 operates. Upon receipt of the abstract of a conviction under this

1 section, the department shall not reinstate the privilege to operate
2 a motor vehicle until the department receives proof of either the
3 “Verification of Installation” form as described in paragraph (2)
4 of subdivision (e) of Section 13386 or the Judicial Council Form
5 I.D. 100.

6 (i) Nothing in this section prohibits a person who is
7 participating in, or has completed, an alcohol or drug
8 rehabilitation program from driving a motor vehicle that is
9 owned or utilized by the person’s employer, during the course of
10 employment on private property that is owned or utilized by the
11 employer, except an offstreet parking facility as defined in
12 subdivision (c) of Section 12500.

13 (j) This section also applies to the operation of an off-highway
14 motor vehicle on those lands that the Chappie-Z’berg
15 Off-Highway Motor Vehicle Law of 1971 (Division 16.5
16 (commencing with Section 38000)) applies as to off-highway
17 motor vehicles, as described in Section 38001.

18 ~~SEC. 5.~~

19 *SEC. 4.* Section 14601.4 of the Vehicle Code is amended to
20 read:

21 14601.4. (a) It is unlawful for a person, while driving a
22 vehicle with a license suspended or revoked pursuant to Section
23 14601.2 to do an act forbidden by law or neglect a duty imposed
24 by law in the driving of the vehicle, which act or neglect
25 proximately causes bodily injury to a person other than the
26 driver. In proving the person neglected a duty imposed by law in
27 the driving of the vehicle, it is not necessary to prove that a
28 specific section of this code was violated.

29 (b) A person convicted under this section shall be imprisoned
30 in the county jail and shall not be released upon work release,
31 community service, or other release program before the
32 minimum period of imprisonment, prescribed in Section 14601.2,
33 is served. If a person is convicted of that offense and is granted
34 probation, the court shall require that the person convicted serve
35 at least the minimum time of imprisonment, as specified in those
36 sections, as a term or condition of probation.

37 (c) When the prosecution agrees to a plea of guilty or nolo
38 contendere to a charge of a violation of this section in satisfaction
39 of, or as a substitute for, an original charge of a violation of
40 Section 14601.2, and the court accepts that plea, except, in the

1 interest of justice, when the court finds it should be
2 inappropriate, the court shall, pursuant to Section 23575, require
3 the person convicted, in addition to other requirements, to install
4 a certified ignition interlock device on a vehicle that the person
5 owns or operates for a period not to exceed three years.

6 (d) This section also applies to the operation of an off-highway
7 motor vehicle on those lands that the Chappie-Z'berg
8 Off-Highway Motor Vehicle Law of 1971 (Division 16.5
9 (commencing with Section 38000)) applies as to off-highway
10 motor vehicles, as described in Section 38001.

11 (e) Upon receipt of the abstract of a conviction under this
12 section, the department shall not reinstate the privilege to operate
13 a motor vehicle until the department receives proof of either the
14 "Verification of Installation" form as described in paragraph (2)
15 of subdivision (e) of Section 13386 or the Judicial Council Form
16 I.D. 100.

17 ~~SEC. 6.~~

18 *SEC. 5.* Section 14601.5 of the Vehicle Code is amended to
19 read:

20 14601.5. (a) A person may not drive a motor vehicle at any
21 time when that person's driving privilege is suspended or
22 revoked pursuant to Section 13353, 13353.1, or 13353.2 and that
23 person has knowledge of the suspension or revocation.

24 (b) Except in full compliance with the restriction, a person
25 may not drive a motor vehicle at any time when that person's
26 driving privilege is restricted pursuant to Section 13353.7 or
27 13353.8 and that person has knowledge of the restriction.

28 (c) Knowledge of suspension, revocation, or restriction of the
29 driving privilege shall be conclusively presumed if notice has
30 been given by the department to the person pursuant to Section
31 13106. The presumption established by this subdivision is a
32 presumption affecting the burden of proof.

33 (d) A person convicted of a violation of this section is
34 punishable, as follows:

35 (1) Upon a first conviction, by imprisonment in the county jail
36 for not more than six months or by a fine of not less than three
37 hundred dollars (\$300) or more than one thousand dollars
38 (\$1,000), or by both that fine and imprisonment.

39 (2) If the offense occurred within five years of a prior offense
40 that resulted in a conviction for a violation of this section or

1 Section 14601, 14601.1, 14601.2, or 14601.3, by imprisonment
2 in the county jail for not less than 10 days or more than one year,
3 and by a fine of not less than five hundred dollars (\$500) or more
4 than two thousand dollars (\$2,000).

5 (e) In imposing the minimum fine required by subdivision (d),
6 the court shall take into consideration the defendant's ability to
7 pay the fine and may, in the interest of justice, and for reasons
8 stated in the record, reduce the amount of that minimum fine to
9 less than the amount otherwise imposed.

10 (f) This section does not prohibit a person who is participating
11 in, or has completed, an alcohol or drug rehabilitation program
12 from driving a motor vehicle, that is owned or utilized by the
13 person's employer, during the course of employment on private
14 property that is owned or utilized by the employer, except an
15 offstreet parking facility as defined in subdivision (d) of Section
16 12500.

17 (g) When the prosecution agrees to a plea of guilty or nolo
18 contendere to a charge of a violation of this section in satisfaction
19 of, or as a substitute for, an original charge of a violation of
20 Section 14601.2, and the court accepts that plea, except, in the
21 interest of justice, when the court finds it would be inappropriate,
22 the court shall, pursuant to Section 23575, require the person
23 convicted, in addition to other requirements, to install a certified
24 ignition interlock device on a vehicle that the person owns or
25 operates for a period not to exceed three years.

26 (h) This section also applies to the operation of an off-highway
27 motor vehicle on those lands that the Chappie-Z'berg
28 Off-Highway Motor Vehicle Law of 1971 (Division 16.5
29 (commencing with Section 38000)) applies as to off-highway
30 motor vehicles, as described in Section 38001.

31 (i) Upon receipt of the abstract of a conviction under this
32 section, the department shall not reinstate the privilege to operate
33 a motor vehicle until the department receives proof of either the
34 "Verification of Installation" form as described in paragraph (2)
35 of subdivision (e) of Section 13386 or the Judicial Council Form
36 I.D. 100.

37 ~~SEC. 7.~~

38 *SEC. 6.* No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the
3 penalty for a crime or infraction, within the meaning of Section
4 17556 of the Government Code, or changes the definition of a
5 crime within the meaning of Section 6 of Article XIII B of the
6 California Constitution.

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